

Application Ser. No. 10/672,053
Response to Office Action dated February 5, 2007
Amendment dated May 7, 2007

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawing includes Fig. 6 which replaces the sheet of drawing including Fig. 6 which was submitted on December 4, 2006. Replacement Fig .6 includes reference numeral 45 pointing to the circumferentially extending notch.

Attachment: One Replacement Sheet

REMARKS

Entry of this Amendment and reconsideration of the present application as amended are respectfully requested.

Claims 1, 5-8, 10-17, 40-42, 44, 66-68, 78, 81 and 83-95 are pending in this application. Claims 2-4, 9, 80 and 82-84 are withdrawn from consideration and claims 18-39, 43, 45-65, 69-77 and 79 have been canceled. Claim 87 is amended herein and the change to the claim does not relate to patentability. It also does not raise a new issue and therefore this Amendment should be entered.

Interview

The courtesies extended by the Examiner in an interview on May 3, 2007 are gratefully appreciated. In the interview, the prior art rejections were discussed and the Examiner's positions regarding the scope of the disclosure of the Bartholomew et al. reference were provided.

Election/Restriction

The Examiner indicated that claims 80 and 82-84 are directed to an invention that is independent or distinct from the invention originally claimed.

With respect to claim 80, the Examiner's position is respectfully traversed because the embodiment of Fig. 6 can be used with a clamp. The Examiner mentions that a clamp is shown in non-elected Fig. 3; however it is pointed out that the response dated December 21, 2005 did not elect between the embodiments shown in Fig. 3 and the embodiment shown in Fig. 6. Rather, the election was between the embodiment shown in Fig. 1, the embodiment shown in Fig. 5 and the embodiment shown in Fig. 6 (see the Office Action dated November 9, 2005). The applicant's election did not exclude Fig. 3 from the elected invention and it is therefore respectfully submitted that claim 80 is directed to the elected invention since a clamp as shown in Fig. 3 can be used with the embodiment shown in Fig. 6 and there was no election not to prosecute the embodiment shown in Fig. 3.

With respect to claims 82-84, the Examiner's position is also respectfully traversed because

the sewing ring 44a shown in Fig. 6 does indeed have curved portion. Sewing ring 44a is annular and extends around the tubular portion 14 of the body 12. Fig. 6 shows a cross-sectional view while Fig. 6a is a perspective view. As clearly seen in Fig. 6a, the sewing ring 44a has a cylindrical portion which is a curved portion, this portion being situated alongside and in contact with the outer surface of the body, i.e., the outer surface of the tubular portion 14 of the body 12 as shown in Fig. 6. Therefore, since the sewing ring 44a in the embodiment shown in Fig. 6 includes a curved portion, claims 82-84 are directed to the elected embodiment. Moreover, claim 1, previously considered by the Examiner, recites that the sewing ring is substantially circular and thus inherently has a curved portion.

In view of the foregoing, the Examiner is respectfully requested to consider claims 80 and 82-84 as being directed to the elected embodiment.

Drawings

In response to the objection to the drawings, submitted herewith is a replacement sheet of Fig. 6 which now includes reference numeral 45 pointing to the circumferentially extending notch in the sewing ring 44a. As the only change is the inclusion of a reference numeral, no new matter is introduced by the submission of the replacement sheet including Fig. 6.

Claim Rejections

Claims 78, 81, 85-95, 1, 5-8, 10-17, 40-42, 44 and 66-68 were rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew et al. (U.S. Pat. No. 4,650,473) and claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew.

The Examiner's rejections are respectfully traversed on the grounds that Bartholomew et al. does not disclose, teach or suggest features of the present claimed invention, including those set forth in independent claim 78. Specifically, Bartholomew et al. does not disclose, teach or suggest a sewing ring having the following features:

1. It has a portion which projects rearward and outward from the body in connection with which it is arranged, with a notch being defined partly by this rearwardly and outwardly extending portion.
2. It has a rearward edge which extend rearward of a forward end of the notch.

As to the first feature, in the claimed invention, there is a (single) portion of the sewing ring which projects both rearward (in a direction toward the rear of) and outward (in a direction away from) the body. In Bartholomew et al., ridge 17b projects outward from the body 10 as it appears to be oriented perpendicular to axis A but does not project from the body 10 in a direction toward the rear of the body 10. Although ridge 17b has a rear face which faces the rear of the body 10, there is no projecting of this face from the body in a direction toward the rear of the body from the body. Thus, ridge 17b it projects only outward and not rearward.

Another way to consider the rearward projecting aspect of the body is to consider that the portion is angled rearward or toward the rear of the body because any portion which projects rearward and outward from a body is thus angled rearward.

As to the second feature, in view of the perpendicular extension of the ridge 17b relative to the axis A, it is not possible that the ridge 17b has a rearward edge (an edge at the rear) which extends rearward of a forward edge of the saddle 17 between the ridges 17a and 17b. Rather, the forward edge of the saddle 17 is at the same position relative to the axis A as the rearward edge of the ridge 17b, i.e., they are one and the same surface. This is required in view of the flatness of the rear surface of the ridge 17b and its relative orientation, perpendicular, to the axis A.

In view of the fact that the ridge 17b of Bartholomew et al. does not have at least two features of the sewing ring as set forth in claim 78, Bartholomew et al. cannot anticipate or render obvious the embodiment of the invention set forth in claim 78.

Moreover, Bartholomew et al. does not disclose features of several dependent claims. For example, Bartholomew et al. does not disclose that the ridge 17b is circular (which inherently means it extends over the circumference of the body) and angled rearward and that a tip of the sewing ring

extends rearward of an inward end of the notch (claim 1). Rather, ridge 17b extends over only a portion of the circumference of the body 10 and is prevented from extending over the entire circumference, and thus being circular, in view of the presence of the wing 16. Also, the tip of the ridge 17b (the uppermost point) is actually forward of the rear face of the ridge 17 which arguably defines the notch and therefore it is respectfully submitted that this tip does not extend rearward of the inward end of the notch but rather exactly the opposite, it is forward of the inward end of the notch.

Bartholomew et al. also does not disclose a bowel sheath having an extendable portion as set forth in claim 5, and which is retained by a ridge extending outward from an outer surface of the body as set forth in claim 6. The Examiner points to a hemispherically shaped downwardly depending nib 19 that aids tying down of the body 10. Nib 19 cannot constitute a sheath with an extendable portion because it cannot be extended to cover anything, but rather remains in place during the attachment stage of the body 10. The nib 19 also does not have a rolled portion as set forth in claim 67.

Bartholomew et al. also does not disclose that the ridge 17b has a notch which is arranged “around the circumference” of the body as set forth in claim 85. In this embodiment, the notch extends around or encircles the tubular body. The ridge/sewing ring 17b of Bartholomew et al. does not extend around or encircle the body 10 but rather extends on only one side of the body 10. On one side of the body 10, there is a wing 16 and on the side opposite the wing 16, the ridge 17b is formed (col. 4, lines 17-19). Thus, ridge 17b clearly does not extend around the circumference of the body 10, and moreover cannot extend around the circumference of the body as it would interfere with the wing 16.

In view of the foregoing, it is respectfully submitted that the Examiner’s rejection of claims 1, 5-8, 10-17, 40-42, 44, 66-68, 78, 81 and 85-95 have been overcome and should be removed.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the

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undersigned to discuss the same.

It is believed that this Amendment is being timely filed. In the event that any other extensions and/or fees are required for the entry of this Amendment, the U.S. Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-1268 in the name of Brian Roffe.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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